

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Katherine Gordon et al.
Serial No.: 07/839,194
Confirmation No.: 6108
Filed: February 20, 1992
For: TRANSGENIC ANIMALS SECRETING DESIRED PROTEINS
INTO MILK
Examiner: D. A. Montanari
Art Unit: 1632

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: June 3, 2008

Signature: /Nicole Millette Hawes/

AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.129(a)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Final Office Action dated May 3, 2007, Applicant submits this Amendment and Response under the transitional after-final practice of 37 C.F.R. §1.129(a). The present application was filed on February 20, 1992, more than two years before June 8, 1995 as required by 37 C.F.R. §1.129(a). The Office Action mailed August 7, 2006 withdrew the finality of the previous Office Action pursuant to 37 C.F.R. §1.129(a). Page 2 of the August 7, 2006 Office Action.

After that first round of after-final prosecution under §1.129(a), the Final Office Action mailed May 3, 2007 contained a “subsequent final rejection”. See 37 C.F.R. §1.129(a); MPEP §706.07(g) at page 700-90, column 2, (“This will have the effect of...essentially remov[ing] the

finality of the prior Office action in the pending application on two separate occasions...”) This submission is being filed “prior to the filing of an Appeal Brief and prior to abandonment of the application” in response to that Final Office Action. It is also accompanied by the fee required by §1.17(r). Accordingly, the finality of the Final Office Action mailed May 3, 2007 should be automatically withdrawn under the provision of 37 C.F.R. §1.129(a).

Please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page **2** of this paper.

Remarks/Arguments begin on page **4** of this paper.